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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HBC HAMBURG BULK CARRIERS  
GMBH & CO. KG,

Plaintiffs,

-against-

PROTEINAS Y OLEICOS S.A. DE  
C.V.,

Defendants.

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04 CV 6884 (NRB)

\*\*\*ECF CASE\*\*\*

DECLARATION IN  
SUPPORT OF MOTION  
TO VACATE  
ATTACHMENT

Gregorio Gomez Sanz deposes and says:

1. I am Director of Tron Hermanos S.A. de C.V. ("Tron Hermanos"). This declaration is made to the best of my knowledge and belief upon inquiry made to employees of Tron Hermanos, and is submitted in respect of an application to vacate an attachment of a remittance in the amount of USD \$ 36,526.90 that has been frozen by Citibank pursuant to the order of Judge Naomi R. Buchwald, US District Judge, United States District Court, Southern District of New York, issued 25 August 2004 in the above-referenced litigation.

2. The funds in question represent an electronic funds transfer initiated at the request of Tron Hermanos for payment of its obligations to Proteinas y Oleicos S. A. de C.V. ("Proteinol") for the purchase of soya oil delivered to Tron Hermanos from Proteinol's plant in Celaya, Guanajuato, Mexico, in September 2004.
3. The contracts were priced and payable to Proteinol in Mexico in US Dollars, which meant that an electronic funds transfer was required to go through banks in the United States. On July 30, Proteinol issued general payment instructions to its customers, which applied to this purchase.
4. Pursuant to Proteinol's payment instructions, US Dollar payments for products supplied from Proteinol's plant in Celaya, Guanajuato, Mexico, were to be made to Proteinol's bank in Merida, Yucatán, México, BBVA Bancomer Mexico ("Bancomer"), via Bancomer's correspondent bank in the U.S.A., JP Morgan Chase Bank in New York.
5. On or about September 20, 2004, Tron Hermanos instructed its bank, Banco Santander International, to transmit USD \$ 36,526.90 to Proteinol's account at Bancomer via Bancomer's correspondent, JP Morgan Chase Bank. Banco Santander International routed the transfer through Citibank, where it was frozen.

Pursuant to 28 U. S. C. § 1746 (1), I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Morelia, Michoacán, Mexico on December 17, 2004



Gregorio Gomez Sanz

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<b>MEMO fax</b>		# of pages: 2	date: 20/dic
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